

REMARKS/ARGUMENTS

Claims 138-155 are pending. By this Amendment, claims 69-137 have been canceled subject to Applicants' right to file further applications for this subject matter. In their replacement, new claims 138-155 are presented. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

In paragraph 1 of the Office Action, claim 69 was objected to based on various informalities. By this Amendment, claim 69 is canceled and replaced with new independent claim 138, which has been drafted so as to avoid the objections.

Reconsideration and withdrawal of the claim objections are respectfully requested.

Claims 69, 70 and 73-81 were rejected under 35 U.S.C. §102(b) over Ingram et al. (U.S. Patent No. 5,611,446). This rejection is respectfully traversed.

Claim 138 is directed to a cap arrangement comprising an opening-indicator device having an outer edge wherefrom fin members lead away and extend, in use, internally of said cap arrangement, said fin members being intended to form an abutment for projection elements projecting from a neck of a container arrangement with which said cap arrangement can be associated, said fin members comprising an elongated element extending substantially rectilinearly from said opening-indicator device, said fin members further comprising flexible appendage elements forming a free end of said fin members, said flexible appendage elements having a substantially uniform thickness, said appendage elements having a curved profile adapted to partially surround said projection elements.

Claim 138 are based in part on claim 69, as well as Figures 1-4 of the original application, and their corresponding description. Specifically, claim 138 specifies that the fin members are intended to form an abutment for projection elements projecting from the neck of a

container arranged with which the cap can be associated. In addition, claim 138 specifies that the appendage elements have a substantially uniform thickness and the appendage elements have a curved profile adapted to partially surround the projection elements. Figures 1-4 of the original application clearly and unambiguously show that the fin forms an abutment for a projection emerging from the container neck and that the appendage 18 forms a free end of the fin and has a curved linear profile and a substantially uniform thickness. Moreover, dependent claims 142-155 are based on claims 70, 73, 74, 76-85 and 87, respectively.

Ingram et al. fails to disclose at least flexible appendage elements forming a free end of the fin members and having a curved profile adapted to partially surround projection elements on a neck of a container arrangement with which the cap arrangement can be associated. Ingram et al. discloses elements 43 which do not have a curved profile and are not adapted to partially surround projection elements on a container neck.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 82-88 were rejected under 35 U.S.C. §103(a) over Ingram et al. in view of Dreyer et al. (U.S. Patent No. 6,006,930).

This rejection is respectfully traversed at least because claims 82-88 are canceled. To the extent that their subject matter is at least partially reflected in new claims 151-155, Applicants respectfully submit that Dreyer et al. does not make up for the deficiencies noted above with respect to Ingram et al. Specifically, Dreyer et al. does not teach this subject matter, and nor was it relied upon for such.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

FALZONI et al.
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4017-98.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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